

It is surprising that the State should contend that the case is now moot in its entirety, given that the State's motion for summary judgment on Plaintiff's § 1983 claim is pending. The State does not argue – nor could it, reasonably – that Plaintiff's parole has any impact on his § 1983 claim, which remains a justiciable controversy.

Plaintiff has shown cause why this action should not be dismissed as moot. The Order to Show cause will be discharged. Should the State wish to seek dismissal of any part of Plaintiff's declaratory judgment claim, it should proceed by way of a formal motion.

For these reasons,

**IT IS** on this 19th day of December, 2011,

**ORDERED** that the Order To Show Cause of September 14, 2011 (Docket Entry No. 78) be and hereby is **DISCHARGED**.

/s Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge